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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,209	07/02/2003	Philippe Duplessis	P6762	5696

28465 7590 02/09/2006

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EXAMINER

PHUONG, DAI

ART UNIT	PAPER NUMBER
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2688

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,209

Applicant(s)

DUPLESSIS, PHILIPPE

Examiner

Dai A. Phuong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed 12/07/2005 have been fully considered but they are not persuasive. Claims 1-12 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-9 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ariga (U.S. 6,625,455).

Regarding claim 1, Ariga discloses a method of controlling the availability of a cellular radiocommunication service, comprising the steps of: installing an independent beacon 100 for broadcasting a radio signal in a protected zone (fig. 1A and fig. 1B, col. 3 line 14 to col. 4, line 32. Specifically, Ariga discloses the simple base station device 100 shown in FIG. 1 is installed such that a radio wave can only reach an area in the vicinity of the entrance by using particular small power), wherein said radio signal carries system information shaped according to a broadcasting channel of a cellular radiocommunication system, said system information including a service restriction indication in respect of terminals situated in the protected zone (fig. 1A to fig. 2, col. 3 line 14 to col. 4, line 32. Specifically, Ariga discloses when the holder of the portable telephone set 101 comes near the entrance of the building 105, the portable

telephone set 101 receives a power OFF signal (106) supplied from the simple base station device 100); storing the service restriction indication in a terminal picking up said radio signal (fig. 1A to fig. 2, col. 3 line 14 to col. 4, line 32. Specifically, Ariga discloses upon having receives the power off signal (106), the portable telephone set 101 transmits a telephone number (107) of its own terminal to the simple base station device 100, and then switches power OFF for the radio section (1) 201 engaged in communications with the public base station device 102 by the I/O control section 206); and executing a signaling sequence, prior to producing audible signals, in a call setup procedure between a cellular system and said terminal, said signaling sequence including transmitting the service restriction indication from said terminal to said cellular system (fig. 1A to fig. 2, col. 3 line 14 to col. 4, line 60).

Regarding claim 2, Ariga discloses all the limitations in claim 1. Further, Ariga discloses the method wherein said service restriction indication designates a type of protected zone Ariga (fig. 1A to fig. 2, col. 3 line 14 to col. 4, line 32).

Regarding claim 4, Ariga discloses all the limitations in claim 1. Further, Ariga discloses the method wherein the call setup procedure comprises analyzing the service restriction indication transmitted by the terminal in conjunction with a type of call being set up, so as to authorize or not continuation of the procedure (fig. 1A to fig. 2, col. 3 line 14 to col. 4, line 32).

Regarding claim 5, Ariga discloses all the limitations in claim 1. Further, Ariga discloses the method wherein the call setup procedure includes analyzing the service restriction indication transmitted by the terminal in conjunction with data for identifying the terminal, so as to authorize or not continuation of the procedure (fig. 1A to fig. 2, col. 3 line 14 to col. 4, line 32).

Regarding claim 6, Ariga discloses a radio communication terminal, comprising: means for detecting broadcasting channels emanating from radio transceivers 202 of at least one cellular radio communication system (fig. 1A to fig. 2, col. 3 line 14 to col. 4, line 32. Specifically, Ariga discloses upon having receives the power off signal (106), the portable telephone set 101 transmits a telephone number (107) of its own terminal to the simple base station device 100, and then switches power OFF for the radio section (1) 201 engaged in communications with the public base station device 102 by the I/O control section 206), and means for setting up calls with a cellular system through a transceiver of said system whose broadcasting channel has been detected (fig. 1A to fig. 2, col. 3 line 14 to col. 4, line 32. Specifically, Ariga discloses when the holder of the portable telephone set 101 comes near the entrance of the building 105, the portable telephone set 101 receives a power OFF signal (106) supplied from the simple base station device 100), wherein the detection means are arranged to further detect a radio signal broadcast by a radio beacon independent 100 of the cellular system (fig. 1A and fig. 1B, col. 3 line 14 to col. 4, line 32. Specifically, Ariga discloses the simple base station device 100 shown in FIG. 1 is installed such that a radio wave can only reach an area in the vicinity of the entrance by using particular small power), said radio signal carrying system information shaped according to a broadcasting channel of a cellular system, said system information including a service restriction indication in respect of terminals situated in a protected zone (fig. 1A and fig. 1B, col. 3 line 14 to col. 4, line 32. Specifically, Ariga discloses the simple base station device 100 shown in FIG. 1 is installed such that a radio wave can only reach an area in the vicinity of the entrance by using particular small power), the terminal further comprising means for storing the service restriction indication included in the system information carried by the radio signal upon

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detection of said radio signal (fig. 1A to fig. 2, col. 3 line 14 to col. 4, line 32. Specifically, Ariga discloses upon having receives the power off signal (106), the portable telephone set 101 transmits a telephone number (107) of its own terminal to the simple base station device 100, and then switches power OFF for the radio section (1) 201 engaged in communications with the public base station device 102 by the I/O control section 206), and wherein the call setup means are arranged to execute a signaling sequence, prior to producing audible signals, in a call setup procedure with the cellular system, said signaling sequence including transmitting any stored service restriction indication to said cellular system (fig. 1A to fig. 2, col. 3 line 14 to col. 4, line 60).

Regarding claim 7, Ariga discloses a cellular radiocommunication system, comprising radio transceivers dispersed over a system coverage area (fig. 1A and fig. 1B, col. 3 line 14 to col. 4, line 32. Specifically, Ariga discloses the simple base station device 100 shown in FIG. 1 is installed such that a radio wave can only reach an area in the vicinity of the entrance by using particular small power), and means for setting up calls with terminals situated within range of said radio transceivers (fig. 1A to fig. 2, col. 3 line 14 to col. 4, line 32. Specifically, Ariga discloses upon having receives the power off signal (106), the portable telephone set 101 transmits a telephone number (107) of its own terminal to the simple base station device 100, and then switches power OFF for the radio section (1) 201 engaged in communications with the public base station device 102 by the I/O control section 206), wherein the call setup means are arranged to execute a call setup procedure with at least one terminal, comprising receiving from the terminal a service restriction indication emanating from a radio beacon independent of the

system and analyzing said indication before validating call triggering (fig. 1A to fig. 2, col. 3 line 14 to col. 4, line 60).

Regarding claim 8, Ariga discloses all the limitations in claim 7. Further, Ariga discloses the system wherein the analysis of the service restriction indication received from the terminal is performed in conjunction with a type of call being set up (fig. 1 and fig. 2 and fig. 4, col. 3 line 14 to col. 4, line 60).

Regarding claim 9, Ariga discloses all the limitations in claim 7. Further, Ariga discloses the system wherein the analysis of the service restriction indication received from the terminal is performed in conjunction with data for identifying the terminal (fig. 1 and fig. 2, col. 3 line 14 to col. 4, line 32).

Regarding claim 12, Ariga discloses all the limitations in claim 7. Further, Ariga discloses the system wherein the analysis of the service restriction indication received from the terminal takes into account the call setup time (col. 4, lines 22-60).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ariga (U.S. 6,625,455) in view of Ranta (U.S. 6,832,093).

Regarding claim 3, Ariga discloses all the limitations in claim 1. However, Ariga does not disclose the method wherein said system information further includes data of geographical positioning of the beacon.

In the same field of endeavor, Ranta discloses the method wherein said system information further includes data of geographical positioning of the beacon (col. 9, lines 54-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable telephone of Ariga by specifically including system information further includes data of geographical positioning of the beacon, as taught by Ranta, the motivation being in order to indicate that the mobile terminal is entering a restricted area.

Regarding claim 11, Ariga discloses all the limitations in claim 7. However, Ariga does not disclose the system wherein the service restriction indication is received from the terminal with data of geographical positioning of the radio beacon, which are taken into account in the analysis.

In the same field of endeavor, Ranta discloses the system wherein the service restriction indication is received from the terminal with data of geographical positioning of the radio beacon, which are taken into account in the analysis (col. 9, lines 54-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable telephone of Ariga by specifically including the service restriction indication is received from the terminal with data of geographical positioning of the radio beacon, which are taken into account in the analysis, as taught by Ranta, the motivation being in order to indicate that the mobile terminal is entering a restricted area.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ariga (U.S. 6,625,455) in view of Aburai et al. (Pub. No: 2002/0090953).

Regarding claim 10, Ariga discloses all the limitations in claim 7. However, Ariga does not disclose the system wherein the service restriction indication received from the terminal designates a type of protected zone where the availability of the cellular service is restricted.

In the same field of endeavor, Aburai et al. discloses the system wherein the service restriction indication received from the terminal designates a type of protected zone where the availability of the cellular service is restricted (fig. 4, [0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable telephone of Ariga by specifically including the service restriction indication is received from the terminal with data of geographical positioning of the radio beacon, which are taken into account in the analysis, as taught by Aburai et al., the motivation being in order to control set a mobile communication device to set in a prohibited mode according to usage limiting information.

Response to Argument

7. Applicant, on page 4 of his response, argues that claim 1 of the present application recites a method in which an independent beacon broadcasts a radio signal carrying a service restriction indication in respect of terminals situated in a protected zone. This service restriction indication is stored in a terminal picking up the radio signal. And then, when a call setup procedure is initiated between a cellular system and the terminal, the terminal transmits the service restriction indication to the cellular system. The cellular system can thus take account of the service restriction indication received to adapt its operation with regard to incoming calls.

However, the examiner disagrees. Ariga discloses the base station 100 installed in a restricted zone in order to provide a service restriction to all terminals who come near the restricted zone 105. When the terminal receives restriction service, the power off signal, from the base station 100, then the terminal stores the restriction service into its memory *for performing the operation*. Upon receiving a service restriction, the terminal confirms with the simple base station device 100 that a power OFF state of the terminal has been set. The terminal also reports its communication status to the position management server 104 via public base station 102. If a call comes in to the terminal while it is in the restricted zone, the position management server informs the other party that the terminal is busy or in power off state and/or directs the other party to a voice message. The applicant's attention is directed to the disclosure of the reference Ariga, at column 3, lines 38-63 and col. 4, line 52-60, as follows:

First described is an operation performed when a holder of the portable telephone set of the mode enters a building 105 where the simple base station device 100 has been installed. Herein, it is assumed that the simple base station device 100 provides a radio wave service only in a limited area in the vicinity of a doorway of the building.

When the holder of the portable telephone set 101 comes near the entrance of the building 105, the portable telephone set 101 receives a power OFF signal (106) supplied from the simple base station device 100. Upon having receives the power off signal (106), the portable telephone set 101 transmits a telephone number (107) of its own terminal to the simple base station device 100, and then switches power OFF for the radio section (1) 201 engaged in communications with the public base station device 102 by the I/O control section 206.

After having received the telephone number (107), the simple base station device 100 confirms a power OFF state of the radio section (1) 201 of the portable telephone set 101, and transmits a communication suspension setting signal (108) to the public base station device 102. The public base station device 102 that has received the above signal sends information regarding the communication-suspended portable telephone set 101 to the position management server 104 in the radio network to register it.

The service code is used, if a call comes in to the portable telephone set while it is in a communication suspended state, to select a service to be executed by the radio network. For the service code, there are defined a voice message for informing a communication suspended state by voice, a character message for informing by character, an automatic answering service for retaining a caller's message by changing to an automatic answering mode, a transfer telephone service for transferring a call to a preset location.

Since the claim does not clearly recite that “*executing a signaling sequence*, prior to producing audible signals, in a *call setup procedure* between a cellular system and said terminal, said signaling sequence including transmitting the service restriction indication from said terminal to said cellular system”. Therefore, Ariga reads on the claimed limitations with the broadest reasonable interpretation.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

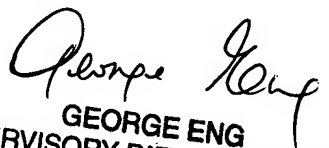
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

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Date: 02-02-2006


GEORGE ENG
SUPERVISORY PATENT EXAMINER